



PATENT  
ATTORNEY DOCKET NO.: 056159-5028

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
BEINDORFF ET AL )  
 )  
Application No.: 09/863,439 ) Group Art Unit: 1651  
 )  
Filed: May 24, 2001 ) Examiner: Coe  
 )  
For: BLENDS OF URSOLIC ACID/ )  
OLEANOLIC ACID )

Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**  
JUN 14 2002  
TECH CENTER 1600/2900

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to the Office Action dated May 10, 2002.
2. Additional papers enclosed:
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Extension of time fee due with this request: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	?	minus	?	?	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	?	minus	?	?	x \$84 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$\_\_\_\_\_ for \_\_\_\_\_. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

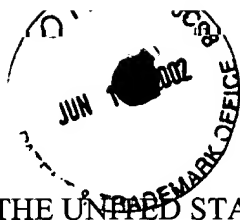


By:

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Reg. No. 16773

Dated: June 10, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BEINDORFF ET AL

Serial No.: 09/863,439

Group Art Unit: 1651

Filed: May 24, 2001

Examiner: Coe

Title: BLENDS OF URSOLIC ACID/  
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RESPONSE

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Office Action dated May 10, 2002, the applicants make the following elections pursuant to the requirements of ¶ 5(A)-(D) of the action.

(A) For Fat B of claim 6, the applicants would prefer to elect palm-based oils as they did in their response of February 25, 2002, i.e. the listed palm oil, palm oil fractions, hardened palm oil and hardened fractions of palm oil. It is believed that these species within claim 6 should be considered together. However, if a single species is required, the applicants elect palm oil.

(B) For Fat C of claim 7, the applicants elect sunflower oil, including high oleic sunflower oil (HOSF). It is believed that sunflower oil and HOSF should be

considered together. However, if a single specific species is required, applicants elect sunflower oil.

(C) For the fruit of claim 9, applicants elect apples as noted in their response of February 25, 2002.


(D) For the food product of claim 11, applicants elect spreads as noted in their response of February 25, 2002.

All of the claims (claims 1-14 and 17-23) are readable on each of the elected species.

Favorable action on all claims is requested.

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By 

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